



Atty. Dkt. No. 036481-0120

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Terry Lee BURKOTH *et al.*  
Title: Particle Delivery Techniques  
Appl. No.: 09/216,641  
Filing Date: 12/17/1998  
Examiner: Nguyen, Quang  
Art Unit: 1636

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

The following patent documents being submitted are not in English. For relevance, an English-language corresponding application or abstract is provided.

1. JP 6-507396 (with corresponding WO 92/19227)
2. JP 2-240023 (with English-language Abstract)
3. JP 60-36326 (with English-language abstract)
4. EP 0012740 (with English-language abstract)
5. JP 5-806 (with English-language abstract)

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**FEE**

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/19/04

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By Michael Walters for  
Reg. No. 51113

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792

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Substitute for form 1449B/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Date Submitted: October 19, 2004

(Use as many sheets as necessary)

1 of 1

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/216,641        |
| Filing Date            | 12/17/1998        |
| First Named Inventor   | Terry Lee Burkoth |
| Group Art Unit         | 1636              |
| Examiner Name          | Nguyen, Quang     |
| Attorney Docket Number | 036481-0120       |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                    |                       |                      |                                   |   |  |   |
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## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |   |                                   | Name of Patentee or Applicant of Cited Documents   | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|-------------------------|---|-----------------------------------|--|--|---|----------------|
|                    |                       | Office <sup>3</sup>     | Number <sup>4</sup>                       | Kind Code <sup>5</sup> (if known) |  |  |   |                |
|                    | A1                    | JP                      | 6-507396 (with corresponding WO 92/19227) |                                   | Smithkline Beecham PLC and Laboratorios Beecham SA | 08-25-1994                                       |   |                |
|                    | A2                    | JP                      | 2-240023 (with English-language Abstract) |                                   | Yoshitomi Pharmaceut Ind Ltd                       | 09-25-1990                                       |   |                |
|                    | A3                    | JP                      | 60-36326 (with English-language abstract) |                                   | Stauffer Chem Co                                   | 02-25-1985                                       |   |                |
|                    | A4                    | EP                      | 0012740 (with English-language abstract)  |                                   | Oesterr Forsch Seibersdorf                         | 06-25-1980                                       |   |                |
|                    | A5                    | JP                      | 5-806 (with English-language abstract)    |                                   | Peroxid Chemie GMBH                                | 01-08-1993                                       |   |                |
|                    |                       |                         |   |                                   |  |  |   |                |
|                    |                       |                         |   |                                   |  |  |   |                |
|                    |                       |                         |   |                                   |  |  |   |                |
|                    |                       |                         |   |                                   |  |  |   |                |

## NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
|--------------------|-----------------------|--|----------------|
|                    |                       |  |                |

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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